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(Bermuda) Limited*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

**NOTICE OF JOINDER IN OBJECTING DEFENDANTS' OPPOSITION TO  
TRUSTEE'S MOTION FOR ORDER AMENDING ORDER APPOINTING A  
DISCOVERY ARBITRATOR PURSUANT TO BANKRUPTCY RULE 9019(c)  
AND GENERAL ORDER M-390**

Defendant ZCM Asset Holding Company (Bermuda) Limited ("ZCM"), in Adv. Pro. No. 12-01512 (CGM), hereby objects to the *Motion for Order Amending Order Appointing a Discovery Arbitrator Pursuant to Bankruptcy Rule 9019(c) and General Order M-390*, filed in Adv. Pro. No. 08-01789 (CGM), ECF 23449, 23454 ("Trustee's Motion"), by Irving H. Picard, as trustee for the liquidation of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff ("Trustee"), and joins in all aspects of the Opposition to the Trustee's Motion, ECF 23516, filed by Objecting Defendants, except for ¶¶ 8, 19 (third sentence), 32-38 and the final sentence of the *Conclusion* paragraph.

ZCM is a party to one of the adversary proceedings, referred to by the Trustee as the Subsequent Transfer Cases, in which a Case Management Plan has not yet been entered and as such, the fallback position advocated by Objecting Defendants in their Opposition – that, at a minimum, the Court deny the Trustee’s Motion only with respect to adversary proceedings with previously entered Case Management Plans that (1) provide for mandatory discovery arbitration and (2) cite the existing Order Appointing Discovery Arbitrator – would not be adequate to protect the rights of ZCM, which is in all other relevant respects identically situated to Objecting Defendants.

Because the Trustee has failed to justify the modification to the Order Appointing Discovery Arbitrator he seeks, under either Rule 60(b)(5) or Rule 60(b)(6), the Trustee’s Motion should be denied in its entirety as to all defendants who are parties to the Subsequent Transfer cases.

Dated: New York, New York  
September 6, 2023

Respectfully submitted,

By: /s/ Steven I. Froot  
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